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C O N F I D E N T I A L SECTION 01 OF 02 ABUJA 000517

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BAGHDAD FOR DMCCULLOUGH

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TAGS: [PGOV](#) [KDEM](#) [NI](#)
SUBJECT: NIGERIA: COUNCIL OF STATE FURTHER WEAKENS
ELECTORAL REFORM PROPOSALS

REF: ABUJA 445

Classified By: Political Counselor Walter N.S. Pflaumer for reasons 1.4
(b) and (d)

MORE PROPOSED ELECTORAL REFORMS DROPPED

11. (C) On March 24, President Yar'Adua presented the White Paper on electoral reform to the Council of State (a constitutionally established consultative body with over 50 members including, inter alia, the President, VP, all 36 serving Governors, all former Heads of Government, all former Chief Justices, the Senate President and House Speaker). While the Council's role is purely advisory, the Nigerian constitution requires the President to consult it on certain issues, one of which is on matters relating to the Independent National Electoral Commission (INEC). As reported reftel, the GON Cabinet had debated the proposals of the Electoral Reform Committee (ERC) for two weeks, then, on March 11, decided to drop several of the ERC's recommended reforms, in particular those which were seen to limit the President's influence over INEC. The White Paper which Yar'Adua referred to the Council was drafted by Attorney General Aondoakaa and embodied this reduced list.

12. (C) After several hours of discussion, the Council of State decided to endorse most of the Aondoakaa draft White Paper, but drop two more of what had been seen as major ERC recommendations, one to abolish the State Independent Electoral Commissions (SIECs) which now run state and local level elections, as well as one to provide a six-month period after the elections, but before the winners were sworn in, in which all election challenges had to be resolved. The first of these was dropped at the insistence of the Governors, who make up a majority on the Council (Comment: And who clearly were as eager to keep control of the state-level electoral process as the people around President Yar'Adua are to maintain their influence over the national polls. End comment).

WHAT'S LEFT?

13. Comment: There are still a few worthwhile reforms left in the package of proposed constitutional amendments and other bills which the Presidency is about to submit to the National Assembly. While eight of the members of INEC (the Chairman,

Deputy and representatives of Nigeria's six geopolitical zones) will be nominated by the President, there will at least be five more who come from shortlists prepared by labor, women's groups, Civil Society organizations, the Bar Association and the media. In addition, INEC's revenue will be established as a "first charge" in the budget, free from Presidential control. Some reforms intended to make political parties more democratic have also been maintained. Most of these changes will, however, require constitutional amendment, which in Nigeria is a very difficult and lengthy process involving endorsement by 2/3 of both houses of the National Assembly as well as that of 2/3 of the state houses of assembly (FYI: there have so far been no successful amendments of the 1999 constitution. End FYI).

14. (C) These few possible improvements are, in any case, considerably outweighed in terms of importance by the key ERC proposals which have now been dropped. In addition to the Presidency's maintaining control over the nomination of most of INEC's members, efforts have been dropped to put the burden of proof on INEC to show that elections were free and fair, or to require that election challenges be resolved before the "winners" are sworn in. Other proposals, such as moving from a first-past-the-post constituency system to one with an element of proportional representation have also been rejected. All in all, the prospects for meaningful electoral reform, particularly if we are speaking about changes in time for the next elections, are looking increasingly bleak. In reaction to the Council's further watering down of the ERC proposals, the Conference of Nigerian Political Parties, an opposition umbrella group, released a statement declaring

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that: "the high expectation Nigerians had that their votes would count in 2011 ... has vanished." End comment.

15. (U) This cable was coordinated with Consulate Lagos.
SANDERS